

M e m o r a n d u m

Date: February 25, 2010

To: Southern Division

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Baldwin Park Area

File No.: 525.13853.14045

Subject: COMMAND INSPECTION PROGRAM CHAPTER 6 EVALUATION

The Baldwin Park Area has completed the Area's fourth quarter Chapter 6 informal evaluation. The Chapter 6 evaluation, which examined "Command Overtime and Command Grant Management," determined that the Baldwin Park Area's procedures are being conducted in compliance with Department policy. The evaluation did not detect any significant deficiencies or action items requiring immediate follow-up.

The Baldwin Park Area conducted an inspection on the Baldwin Park Area's grant management and overtime usage practices and procedures. The review was done by inspecting a minimum of ten percent of the documents of the Area's records for the period of January 1, 2009, through December 31, 2009.



M. R. SHAW, Captain
Commander

Safety, Service, and Security

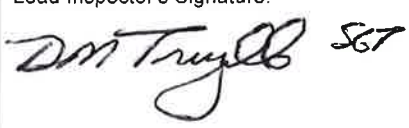
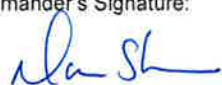
STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

COMMAND INSPECTION PROGRAM INSPECTION CHECKLIST

Chapter 6
Command Overtime

Command: Baldwin Park	Division: Southern	Number:
Evaluated by: Sgt. D. M. Trujillo, #14045		Date: 2/25/2010
Assisted by:		Date:

INSTRUCTIONS: Answer individual items with "Yes" or "No" answers, or fill in the blanks as indicated. Any discrepancies with policy, applicable legal statutes, or deficiencies noted in the inspections shall be commented on via the "Remarks" section. Additionally, such discrepancies and/or deficiencies shall be documented on an Exceptions Document and addressed to the next level of command. Furthermore, the Exceptions Document shall include any follow-up and/or corrective action(s) taken. If this form is used as a Follow-up Inspection, the "Follow-up Inspection" box shall be marked and only deficient items need to be re-inspected.

TYPE OF INSPECTION <input type="checkbox"/> Division Level <input checked="" type="checkbox"/> Command Level <input type="checkbox"/> Executive Office Level <input type="checkbox"/> Voluntary Self-Inspection		Lead Inspector's Signature: 	
Follow-up Required: <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Follow-up Inspection	Commander's Signature: 
Date: 2/27/2010			
For applicable policies, refer to HPM 11.1, Chapter 6, HPM 40.71, Chapters 2, 8, and 10, HPM 10.5, Chapter 2, and HPM 10.3, Chapters 24 and 28.			
Note: If a "No" or "N/A" box is checked, the "Remarks" section shall be utilized for explanation.			
1. Is the hiring company/agency for reimbursable overtime being held responsible for paying a minimum of four hours of overtime per CHP uniformed employee, regardless of length of service/detail?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
2. Is a minimum of four hours overtime being allocated to each CHP uniformed employee(s) if cancellation notification is made 24 hours or less prior to the scheduled detail and the assigned CHP uniformed employee(s) cannot be notified of such cancellation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
3. Are reimbursable special project codes being used for all overtime associated with reimbursable special projects?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
4. Is the commander ensuring nonuniformed personnel overtime hours are not reflected on the Report of Overtime Hours for Reimbursable Special Projects?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
5. Is the commander ensuring non-reimbursable overtime is not being claimed for an employee, other than Bargaining Unit 7, while on vacation or compensated time off for hours worked during their regular work shift time?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
6. Is "RDO" being written in the "Notes" section of the CHP 415, Daly Field Record, for overtime worked on a regular day off?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
7. Is there a CHP 90, Report of Court Appearance - Civil Action, completed for each officer or sergeant when overtime is associated for civil court?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Remarks:			
Remarks: See exceptions document			
Remarks: See exceptions document			

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Command Overtime

8. Do the CHP 415s with overtime indicate the employee's lunch period or indicate "None" if the employee worked through their lunch break?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
9. Did the supervisor sign the CHP 415s approving the overtime?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
10. Are claimed overtime meals related to overtime worked within 50 miles of the employee's headquarters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: There were no overtime meals claimed during the reviewed period.
11. If overtime is incurred by a peer support counselor, is the name of the employee to whom support was provided excluded from the CHP 415 of the counselor?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
12. Is the "Notes" section on side two of the CHP 415 used to explain any overtime listed on side one of the CHP 415?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
13. Are employee's Compensated Time Off hours maintained within reasonable balances?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
14. Is the commander ensuring employees are not incurring overtime due to working over the allotted number of hours for any given Fair Labor Standards Act (FLSA) period?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
15. Is the commander ensuring uniformed employees are not working voluntary overtime which results in them working more than 16.5 hours in a 24 hour period?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks: See exceptions document:
16. Do the CHP 415 total overtime hours agree with the Monthly Attendance Report (MAR)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
17. Are the MARs retained for at least three years and contain the commander's signature?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:

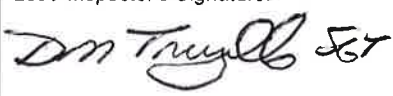

STATE OF CALIFORNIA
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COMMAND INSPECTION PROGRAM INSPECTION CHECKLIST

Chapter 6
Command Grant Management

Command: Baldwin Park	Division: Southern Div.	Number:
Evaluated by: Sgt. D. M. Trujillo, #14045		Date: 2/25/2010
Assisted by:		Date:

INSTRUCTIONS: Answer individual items with "Yes" or "No" answers, or fill in the blanks as indicated. Any discrepancies with policy, applicable legal statutes, or deficiencies noted in the inspections shall be commented on via the "Remarks" section. Additionally, such discrepancies and/or deficiencies shall be documented on an Exceptions Document and addressed to the next level of command. Furthermore, the Exceptions Document shall include any follow-up and/or corrective action(s) taken. If this form is used as a Follow-up Inspection, the "Follow-up Inspection" box shall be marked and only deficient items need to be re-inspected.

TYPE OF INSPECTION <input type="checkbox"/> Division Level <input checked="" type="checkbox"/> Command Level <input type="checkbox"/> Executive Office Level <input type="checkbox"/> Voluntary Self-Inspection		Lead Inspector's Signature: 	
Follow-up Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Commander's Signature: 	Date: 2/27/2010
For applicable policy, refer to: GO 40.6			
Note: If a "No" or "N/A" box is checked, the "Remarks" section shall be utilized for explanation.			
1. If the commander became aware that another agency or organization is proposing or has submitted a grant application to a funding agency other than the Office of Traffic Safety (OTS) that appears to focus on traffic safety goals clearly within the jurisdiction of the Department, did the commander notify the appropriate assistant commissioner?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A Remarks:
2. Has OTS grant funding, through the Highway Safety Plan, been sought for traffic safety-related activities for the purpose of conducting inventories, need and engineering studies, system development or program implementations?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A Remarks:
3. Has the command sought grant funding to assist with the expenses associated with the priority programs identified by the National Highway Traffic Safety Administration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A Remarks: Motorcycle Corridor Safety Grant – June 2009.
4. Has the commander ensured grant funds are not being reallocated to fund other programs or used for non-reimbursable overtime expenditures?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A Remarks:
5. Are concept papers regarding grant funding submitted through channels to Grants Management Unit (GMU)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A Remarks: Routed through Southern Division.
6. Was GMU contacted to determine the current personnel billing rates used for grant projects when preparing concept paper budgets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A Remarks: Routed through Southern Division.

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Chapter 6

Command Grant Management

7. Is supporting documentation of consent and acceptance (of the work, goods, or services provided by the state on behalf of a local government agency as required by 23 Code of Federal Regulations Part 1250) being submitted to OTS for all grant projects coded as "for local benefit"?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
8. Were all copies of the grant project agreements, revisions, and claim invoices signed by the Project Director, or designated alternate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
9. Were all inquiries or correspondence concerning the availability of grant funds or other contacts with grant funding agencies coordinated/processed through GMU?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
10. Are all expenditures of grant funds approved by GMU prior to entering into any obligations, with the exception of personnel costs?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
11. Are quarterly progress reports forwarded through channels to GMU in accordance with the instructions contained in the associated project MOU?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
12. Are all requirements of the grant agreement and MOU being met?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
13. Is a final project report being prepared in accordance with the funding agency and departmental requirements upon the termination of the grant project?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
14. Does every invoice associated with a grant funded project contain the project number and name?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
15. Are all purchases of grant-funded equipment acquired under an OTS grant exceeding a unit cost of \$5,000 being documented on an Equipment Report, Form OTS-25?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: No equipment was procured during the inspection period.
16. Has grant funded equipment been inspected to ensure it is being utilized in accordance with the respective grant agreement?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: No equipment was procured during the inspection period.
17. Are applications for federal funds in accordance with Government Code Section 13326 including obtaining approval from the Department of Finance and/or the Governor's office prior to submission to the appropriate federal authority? This would include any of the following: <ul style="list-style-type: none"> • Applications for federal funds which are not included in the budget approved by the Governor. • Applications for federal funds which exceed the amount specified in the budget. 	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.

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18. Is a federal Standard Form 424, Application for Federal Assistance, filed with the State Clearinghouse for all approved unbudgeted grant requests received by the Department of Finance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
19. Has any request for unanticipated federal funds met the criteria for legislative notification set forth in Control Section 28.00 of the annual Budget Act?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
20. Are grant funds being used for their intended purpose?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Remarks:
21. Are grant applications related to the Motor Carrier Safety Assistance Program (MCSAP) being routed through the Commercial Vehicle Section before they are submitted to the funding agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
22. Are grant applications related to the Homeland Security Grant Program being routed through the Emergency Operations Section before they are submitted to the funding agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Routed through Southern Division.
Questions 23 through 26 pertain to the Grants Management Unit				
23. Has GMU prepared an annual Management Memorandum to be disseminated to all commanders soliciting participation in the Department's Highway Safety Program?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Grants Management Unit.
24. Did GMU send the concept paper as an attachment to a memorandum through the Planning and Analysis Division to Assistant Commissioner, Field, and Assistant Commissioner, Staff, and their Executive Assistants?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Grants Management Unit.
25. Did GMU route copies of the Draft Grant Agreement using the CHP Form 60, Staff Summary Statement, to all commands with responsibility for or that have an interest in the project?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Grants Management Unit.
26. Was a Memorandum of Understanding between involved commands outlining the responsibilities of each command prepared and distributed by GMU?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	Remarks: Grants Management Unit.

**COMMAND INSPECTION PROGRAM
EXCEPTIONS DOCUMENT**

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Command: Baldwin Park	Division: Southern Division	Chapter: 6
Inspected by: Sergeant D. M. Trujillo, #14045		Date: 2/25/2010

INSTRUCTIONS: This document shall be typed. Check appropriate boxes as necessary, or fill in the blanks as indicated. Enter the chapter number of the inspection in the Chapter Inspection number. Under "Forward to:" enter the next level of command where the document shall be routed to and its due date. This document shall be utilized to document innovative practices, suggestions for statewide improvement, identified deficiencies, corrective action plans. A CHP 51 Memorandum may be used if additional space is required.

TYPE OF INSPECTION <input type="checkbox"/> Division Level <input checked="" type="checkbox"/> Command Level <input type="checkbox"/> Executive Office Level		Total hours expended on the inspection:	<input type="checkbox"/> Corrective Action Plan Included <input type="checkbox"/> Attachments Included
Follow-up Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Forward to: Due Date:		
Chapter Inspection:			
Inspector's Comments Regarding Innovative Practices:			

None

Command Suggestions for Statewide Improvement:
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None

Inspector's Findings:

On February 25, 2010, Sergeant D. M. Trujillo, #14045, conducted an inspection of the Baldwin Park Area's grant management and overtime usage. The review was done by inspecting a minimum of ten percent of the documents of the Area's records for the period of January 1, 2009, through December 31, 2009. The inspection focused on compliance of Highway Patrol Manual (HPM) 11.1, Chapter 6, HPM 40.71, Chapters 2, 8, and 10, HPM10.5, Chapter 2, HPM 10.3 Chapters 24 and 28, and General Order 40.6. Due to discrepancies (see action items) found in some of the documents, an additional sampling of the pertinent records were inspected.

Baldwin Park Area's voluntary overtime is overseen by Officer M. Barajas, #10703. Officer Barajas has been the Area's overtime coordinator since May 2009. He has open communications with Southern Division and Headquarters. He solicits input from supervisors regarding the need to fill some overtime assignments in order to comply with policy.

The Baldwin Park Area's reimbursable and grant overtime is managed by Sergeant Trujillo and overseen by Area managers. A system of checks and balances is in place, and set forth by Area standard operating procedures (SOP) and departmental policy.

Officers who complete any overtime prepare a CHP A415. The A415 is turned into a supervisor for approval. If the overtime is non-reimbursable (ie, court or shift extension) the A415 is signed off by a supervisor in the CARS computer system and submitted to MIS. All personnel are required to submit hard copies of there CHP A415s with copies of the subpoena, CHP 215 (and/or CHP 202 / 216) to ensure special project codes are being used on applicable court overtime appearances. If the overtime is for reimbursable services, the officer submits a copy of their A415 along with the supporting contract

COMMAND INSPECTION PROGRAM
EXCEPTIONS DOCUMENT

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Command: Baldwin Park	Division: Southern Division	Chapter: 6
Inspected by: Sergeant D. M. Trujillo, #14045		Date: 2/25/2010

document (eg, COZEEP / MAZEEP Worksheet, Movie Detail Contract) to Sergeant D. Trujillo, #14045, the Area Grant Coordinator. To facilitate the processing of officers' CHP A415s, shift supervisors will review, approve and submit them into MIS system and ensure copies of all special coded CHP A415s are forwarded to Sergeant Trujillo. The approved documents and copies of the officer(s) CHP A415 are forwarded to Officer Barajas who tracks the overtime in a spreadsheet and upon management approval is forwarded to Southern Division on a monthly basis.

Non-uniformed personnel hours are not reflected in the report of overtime hours for reimbursable special projects. Reimbursable non-uniformed personnel hours are reported on a CHP 71 (Attendance Report) and a copy is attached to the report of overtime hours for reimbursable special projects and submitted to Southern Division.

After the Area receives a summons on a CHP 90 (civil deposition), Office Assistant Shelly Benson, #A14723, records the summons in the Area's computer system. Civil Subpoenas are boldly stamped "CIVIL" with red ink for immediate recognition. CHP 90s are tracked and submitted within 24 hours of each appearance or at the conclusion of a series of appearances within a 10-day period. Ms. Benson maintains a suspense file with pending civil cases which is checked weekly on Fridays. After the officer appears at the deposition, the officer fills out and submits the CHP 90 along with an A415. Both documents are presented to a supervisor for approval.

Commander's Response: ☒ Concur or ☐ Do Not Concur (Do Not Concur shall document basis for response)

See corrective action plan/timeline.

Inspector's Comments: Shall address non concurrence by commander (e.g., findings revised, findings unchanged, etc.)

None

:
Required Action
Corrective Action Plan/Timeline

Action item #1

Command Overtime Question 6: Is "RDO" being written in the "Notes" section of the CHP 415, Daily Field Record, for overtime worked on a regular day off.

- It was discovered officers are not documenting "RDO" in the "Notes" section of the A415 for all regular days off when working overtime.

Corrective Actions:

- 1 A briefing item will be posted instructing officers to indicate "RDO" in the "Notes" section for overtime worked on a regular day off. (IMMEDIATE)

**COMMAND INSPECTION PROGRAM
EXCEPTIONS DOCUMENT**

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Command: Baldwin Park	Division: Southern Division	Chapter: 6
Inspected by: Sergeant D. M. Trujillo, #14045		Date: 2/25/2010

Action item #2

Command Overtime Question 7: Is there a CHP 90, Report of Court Appearance - Civil Action, completed for each officer or sergeant when overtime is associated for civil court?

- It was discovered not all officers are submitting a CHP 90 at the conclusion of their appearance.

Corrective Actions:

- 1 The subpoena clerk will keep a record of any officer appearing on a summons regarding a CHP 90. The clerk will track the CHP 90's daily, and no later than every Friday, for officers appearing according to the summons. At the completion of the appearance, a reminder be sent to the officer to complete the CHP 90 immediately. Upon receiving the completed CHP 90, the clerk will document the information in the Baldwin Park Area computer system and forward it to Sacramento in a timely manner. (IMMEDIATE)

Action item #3

Command Overtime Question 15: Is the commander ensuring uniformed employees are not working voluntary overtime which results in them working more than 16.5 hours in a 24 hour period?

- It was discovered some officers are working voluntary overtime in excess of 16.5 hours in a 24 hour period.

Corrective Actions:

- 1 Officers shall be reminded not to sign up for voluntary overtime if the time required to complete the detail will take them beyond the 16.5 hour threshold. The overtime coordinator will ensure that details being assigned to officers will not take them beyond 16.5 hours in a 24 hour period.
- 2 Officers working voluntary overtime shall make an entry in the notes section of their A415 that states how many hours they have worked in that day or "RDO," whichever is applicable. Supervisors signing off A415's with overtime shall note how many hours are documented in the notes section and how many hours are being claimed for the overtime and ensure they don't exceed 16.5 hours in a 24 hour period. (IMMEDIATE)

<input type="checkbox"/> Employee would like to discuss this report with the reviewer. (See HPM 9.1, Chapter 8 for appeal procedures.)	COMMANDER'S SIGNATURE 	DATE 2/27/2010
	INSPECTOR'S SIGNATURE 	DATE 2/26/2010
<input type="checkbox"/> Reviewer discussed this report with employee <input type="checkbox"/> Concur <input type="checkbox"/> Do not concur	REVIEWER'S SIGNATURE 	DATE 2-26-2010